

Wetlands Bureau Decision Report

Decisions Taken
03/21/2011 to 03/27/2011

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2004-02838 183 WASHINGTON STREET LLC
ROCHESTER Unnamed Wetland

Requested Action:

Permittee requests a waiver to administrative rule Env-Wt 502.01, Duration of Permit, in order to receive a 3-year time extension to the permit expiration date to complete remaining 1,834 square feet of wetlands impact out of the total 30,494 square feet originally permitted, and to complete the required mitigation.

Inspection Date: 03/17/2011 by David A Price

Inspection Date: 04/28/2005 by Jocelyn S Degler

APPROVE TIME EXTENSION:

Fill 1,834 square feet of palustrine forested wetland for road construction. The project includes 126 apartments, 84 row houses, 140 single family and 22 single family age restricted homes, a bed and breakfast, health club, general store and daycare facility on a 220 acre parcel. Compensatory mitigation includes creation of 49,970 sq.ft. of poorly drained forested wetlands in two locations designated as "Mitigation Area 2" and "Mitigation Area 3".

Waive Rule Env-Wt 502.01, Duration of Permit, and grant a 3-year time extension from the original expiration date of the permit.

With Conditions:

1. All work shall be in accordance with plans prepared by Robert Rook, PE dated received by the Department on February 10, 2005.
2. This approval is for phase I and II only. Any future work on this property, specifically south of Hussey Road, that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback within permitted phases.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Work shall be conducted during low water conditions.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. The temporary impact area for installation of the sewer line shall be regraded to original contours following completion of work, seeded and stabilized for complete restoration.
12. Mulch within the restoration area shall be straw.
13. Roadway construction will include 2:1 side slopes in wetland crossing areas.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized

within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

18. Silt fencing must be removed once the area is stabilized.

19. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

Wetland Construction:

20. AMENDED: This permit is contingent upon the creation of two wetlands areas, now known as "Mitigation Area 2" and "Mitigation Area 3" in accordance with plans by Stoney Ridge Environmental renaming the mitigation areas, and as received on August 8, 2007. In the event that a conservation easement holder agrees to oversee the protection of the remainder of the property, the Wetlands Bureau shall review the proposal and consider an amendment to the permit.

21. This permit is contingent upon the creation of 49,970 sq. ft. of wetlands in two locations on the property.

22. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

23. The schedule for construction of the mitigation areas shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

24. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.

25. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

26. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

27. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.

28. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.

29. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

30. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.

31. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

32. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

33. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. On March 3, 2011 DES received a request to waive Rule Env-Wt 502.01, Duration of Permit, to allow a 3-year time extension of permit 2004-2838, which would expire on 3/17/2011.

2. The reason stated for the request was that the permittee had purchased the property in 2009, with approximately a year left on the permit. The permittee was unable to complete the project in its entirety before the expiration of the permit, and to re-apply would result in economic hardship and construction delays.

3. Of the 30,494 square feet of wetlands impact originally permitted, 1,834 square feet of impact for road construction remained to be done. Construction of, and compliance with the mitigation requirements of the original permit also need to be completed.

4. The permittee notified the Rochester Conservation Commission of the request for time extension of the permit. DES did not receive subsequent comments from the Rochester Conservation Commission.

5. The remaining wetland impacts requested for the project comply with the current applicable statute and administrative rules.
6. The permittee has complied with RSA 482-A:3,I(c) by submitting the balance of any fee due based on the current rate, for the remaining wetland impacts to be executed.
7. Pursuant to the requirements of Env-Wt 204.04(a)(1)a., DES finds that granting the waiver will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety.
8. Pursuant to the requirements of Env-Wt 204.04(a)(1)b., DES finds that granting the waiver will not result in a more significant impact on abutters than compliance with the rule.
9. Pursuant to the requirements of Env-Wt 204.04(a)(2), DES finds that condition Env-Wt 204.04(a)(2)b., necessary to granting the Waiver, has been met. DES finds that strict adherence to the rule being waived would result in severe economic hardship to the current property owner, who purchased the property with only one year left on the permit to complete a major project subdivision.
10. Based on findings 1-9 above, DES grants the applicant a Waiver to rule Env-Wt 502.01, and extends the permit expiration date to 2/17/2014.
11. This action supercedes a similar action posted on 3/4/2011.

2006-01053 183 WASHINGTON STREET LLC
ROCHESTER Unnamed Wetland

Requested Action:

Permittee requests a waiver to administrative rule Env-Wt 502.01, Duration of Permit, in order to receive a 5-year time extension to the permit expiration date.

Inspection Date: 03/17/2011 by David A Price

APPROVE TIME EXTENSION:

Dredge and fill a total of 9,525 sq. ft. of wetlands including 2,559 sq. ft. of impact for roadbed construction and grading, 1,853 sq. ft. for roadbed construction and grading, and 5,113 sq. ft. of impact and installation of a 4' x 8' x 75' box culvert for a roadway crossing, for construction of Phase III of a 220 acre development including 126 apartments, 84 rowhouses, 140 single family and 22 single family age-restricted houses; a bed and breakfast, health club, general store, and daycare facility.

Approve as mitigation for Phase III creation of "Mitigation Area #1" consisting of 12,829 sq. ft. of wetlands, including 760 sq. ft. of vernal pool area; 7,042 sq. of forested pit and mound wetland; and 5,027 sq. ft. of forested wetland.

Waive Rule Env-Wt 502.01, Duration of Permit, and grant a 3-year time extension from the original expiration date of the permit.

With Conditions:

1. All work shall be in accordance with revised plans by Robert G. Rook, P.E.7/10/2007, as received by the Department on 8/8/2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. This permit is contingent upon receipt and DES approval of stream diversion/ dewatering plan for work at any crossing locations which involve perennial streams.
9. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. Silt fencing must be removed once the area is stabilized.
14. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
15. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
16. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
17. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
18. Temporary cofferdams shall be entirely removed immediately following construction.
19. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
23. Proper headwalls shall be constructed within seven days of culvert installation.
24. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
25. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
26. Work shall be done during low flow.

Wetland construction:

1. This permit is contingent upon the creation of 12,829 sq. ft. of wetlands in accordance with plans by Robert G. Rook, P.E. dated 7/25/2007, received 8/8/2007, and in accordance with mitigation design plans by Stoney Ridge Environmental dated July 2007, as received on 8/8/2007.
2. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
4. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
5. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
6. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
7. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.

8. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
9. Wetland (creation/restoration) areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
11. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
12. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
13. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. On March 14, 2011 DES received a request to waive Rule Env-Wt 502.01, Duration of Permit, to allow a 5-year time extension of permit 2006-1053, which would expire on 10/23/2012.
2. The reason stated for the request was that the permittee had purchased the property in 2009, known as Highfield Commons, which had been issued two phased permits, 2004-2838, and 2006-1053, with approximately a year left on permit 2004-2838, and two years on 2006-1053. The permittee was unable to complete the project phase under 2004-2838 in its entirety before the expiration of the permit, and had not even begun phase two work under permit 2006-1053. To re-apply would result in economic hardship and construction delays.
3. A waiver to extend the expiration date of permit 2004-2838 for 3 years was granted on 3/23/2011.
4. Of the 9,525 square feet of wetlands impact originally permitted, no work has yet been executed. Construction of, and compliance with the mitigation requirements of the original permit also need to be completed.
5. The permittee notified the Rochester Conservation Commission of the request for time extension of the permit. DES did not receive subsequent comments from the Rochester Conservation Commission.
6. The wetland impacts requested for the project comply with the current applicable statute and administrative rules.
7. The permittee has complied with RSA 482-A:3,I,(c) by submitting the balance of any fee due based on the current rate, for the remaining wetland impacts to be executed.
8. Pursuant to the requirements of Env-Wt 204.04(a)(1)a., DES finds that granting the waiver will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety.
9. Pursuant to the requirements of Env-Wt 204.04(a)(1)b., DES finds that granting the waiver will not result in a more significant impact on abutters than compliance with the rule.
10. Pursuant to the requirements of Env-Wt 204.04(a)(2), DES finds that condition Env-Wt 204.04(a)(2)b., necessary to granting the Waiver, has been met. DES finds that strict adherence to the rule being waived would result in severe economic hardship to the current property owner, who purchased the property with only one year left on the permit to complete a major project subdivision.
11. Based on findings 1-10 above, DES grants the applicant a Waiver to rule Env-Wt 502.01, and extends the permit expiration date to 10/23/2017.

2010-03157 SPRAGUE ENERGY CORPORATION
NEWINGTON Unnamed Pond Tidal Wetland

Requested Action:

Install 840 linear feet (a total of 39,100 square feet) of rip rap along the shoreline of the Piscataqua River to stabilize erosion and protect road way access at existing oil tank farm marine terminal. Construct an emergency response vessel berth by extending a 4' x 30' gangway ramp from existing mooring cell #3, to a 8' x 20' float.

Inspection Date: 03/14/2011 by Dori A Wiggin

APPROVE PERMIT:

Install 840 linear feet (a total of 39,100 square feet) of rip rap along the shoreline of the Piscataqua River to stabilize erosion and protect road way access at existing oil tank farm marine terminal. Construct an emergency response vessel berth by extending a 4' x 30' gangway ramp from existing mooring cell #3, to a 8' x 20' float.

With Conditions:

1. All work shall be in accordance with plans by Appledore Marine Engineering dated 1/2011, as received by the NH Department of Environmental Services (DES) on 1/20/2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit does not allow dredging for any purpose.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Work shall be done during low tide.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The shoreline is unstable and actively eroding and is expected to undermine the access road and shore vessel mooring points within the year. The emergency response vessel dock is a requirement of OSHA to respond to man-overboard accidents from fuel tanker vessels and access catwalks.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The rip rap is proposed to run with the contour of the existing slope and blend into the river bottom without extending out further than necessary to withstand the tidal power of the Piscataqua River. The new dock is limited to a ramp and float attached to the landward side of an existing mooring cell.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported for the project vicinity by the NH Natural Heritage Bureau.
5. Compensatory mitigation is not required for this project, pursuant to Env-Wt 303.03(c)(2)c., as the project is to protect existing infrastructure including road access and vessel mooring points at an existing oil tank farm facility important to the public interest.
6. The Newington Conservation Commission did not comment to DES on the project.
7. DES conducted a field inspection of the project site on 3/14/2011, and found that the site conditions are accurately represented in the file, with the exception that the erosion is more severe than the photos can reflect.
8. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the tidal resource, as identified under RSA 482-A:1.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2010-02932 NH DEPT OF TRANSPORTATION
SWANZEY Martin Brook

Requested Action:

Replace and widen deck to 32 ft., extend abutments, construct new wingwalls and protect with riprap impacting 1,777 sq. ft. (1,011 sq. ft. temporary) of riverine and palustrine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

APPROVE PERMIT:

Replace and widen deck to 32 ft., extend abutments, construct new wingwalls and protect with riprap impacting 1,777 sq. ft. (1,011 sq. ft. temporary) of riverine and palustrine wetlands. NHDOT project #990227.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 5/19/10, as received by the Department on Oct. 22, 2010.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as

purple loosestrife or Phragmites.

16. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of stream or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2010-03357 HAYNES, GEORGE/KATHLEEN
WAKEFIELD Pine River Pond

Requested Action:

Applicant requests to replace 70 linear feet of retaining wall with 74 linear feet of retaining wall, add porous pavers to an existing sloped beach to create a boat ramp, and add 39 linear feet of retaining wall lakeward of normal high water impacting 690 sq ft to construct 676 sq ft perched beach, on an average of 234 ft of frontage on Pine River Pond, in Wakefield.

Conservation Commission/Staff Comments:

No comments from Con Com by Jan 04, 2011

DENY PERMIT:

Applicant requests to replace 70 linear feet of retaining wall with 74 linear feet of retaining wall, add porous pavers to an existing sloped beach to create a boat ramp, and add 39 linear feet of retaining wall lakeward of normal high water impacting 690 sq ft to construct 676 sq ft perched beach, on an average of 234 ft of frontage on Pine River Pond, in Wakefield.

With Findings:

Standards for Approval

1. This project is classified as a major impact per Rule Env-Wt 303.02(e), construction of a retaining wall lakeward of the natural shoreline and below the natural mean high water level.
2. Pursuant to Rule Env-Wt 302.02, Department Action, the criteria of Part Env-Wt 302.02 shall be used to meet the purpose expressed by RSA 482-A:1 when determining whether to approve, approve with conditions, approve-in-part with conditions, or deny applications.
3. Pursuant to Rule Env-Wt 302.03, Avoidance, Minimization, and Mitigation, the applicant shall provide evidence which demonstrates that potential impacts have been avoided to the maximum extent practicable and any unavoidable impacts have been minimized.
4. Pursuant to Rule Env-Wt 302.04(a), Requirements for Application Evaluation, the applicant shall demonstrate the need for the proposed impact by plan and example.
5. In accordance with Rule Env-Wt 302.04(a), Requirements for Application Evaluation, the applicant shall demonstrate by plan and example that the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
6. Rule Env-Wt 404.01, Least Intrusive Method, requires that shoreline stabilization shall be by the least intrusive but practical method.
7. In accordance with Rule Env-Wt 404.03, Vegetative Stabilization, natural vegetation shall be left intact to the maximum extent possible.
8. In accordance with Rule Env-Wt 404.05, Walls (a), (3) Walls on great ponds or water bodies where the state holds fee simple ownership shall be located on the shoreward side of the normal high-water shoreline.
9. In accordance with Rule Env-Wt 404.05, Walls, (a), (4) applications for walls adjacent to great ponds or water bodies where the state holds fee simple ownership shall include a stamped surveyed plan showing the location of the normal high water shoreline and the footprint of the proposed project.

10. In accordance with Env-Wt 302.04, (d), (1) the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
11. In accordance with RSA 483-B:3, Consistency Required paragraph II, when the standards and practices established in the Comprehensive Shoreland Protection Act conflict with other local or state laws and rules, the more stringent standard shall control.

Findings of Fact

1. On December 14, 2010, the Wetlands Bureau received an application for impacts, on the lot identified as Wakefield tax map 56, lot 4, (the "Lot") to replace 70 linear feet of retaining wall with 74 linear feet of retaining wall, add porous pavers to an existing sloped beach to improve its function as a boat ramp, and impact 690 sq ft including the addition of 39 linear feet of retaining wall lakeward of the normal high water line to construct a perched beach, on Pine River Pond.
2. The materials submitted with the file indicate that while there are existing disturbed areas which already have retaining walls constructed at the shoreline the Applicant is proposing to locate the beach in an area of natural shoreline.
3. The plans submitted with the application appear to show that the retaining wall to be constructed along the lakeward edge of the perched beach would be located lakeward of the current shoreline and would take an area of the public trust for a private beach.
4. On January 4, 2011, the Department issued a Request for More Information letter to the Applicant. The letter requested that the applicant submit revised plans to relocate the proposed beach to a previously disturbed area in order to satisfy the requirement of proposing the alternative with the least impact to wetlands and surface waters.
5. On March 3, 2011, the Department received a response from the Agent for the Applicant to the Department's January 4, 2011 Request for More Information letter. In the response the Agent maintained that RSA 483-B allowed landowners to maintain existing open areas and therefore the Applicant should be allowed to impact additional areas of the shoreline instead of complying with the Wetlands Rule requirements pertaining to minimization and avoidance of impacts.
6. The plans submitted by the Applicant do not detail the proposed improvements to the area to be used as a boat ramp.

Finding in Support of Denial

1. The construction of the proposed wall lakeward of the high water line would result in the taking of public trust for private use. The Department has received no evidence for the need of this taking. This fill is not approvable by the Department.
2. The proposal submitted by the Applicant's fails to meet the requirements for new wall construction found in Part Env-Wt 404, therefore the application is denied.
3. The language of RSA 483-B:3, II clearly requires that the Department adhere to the stricter standards pertaining to the minimization and avoidance of impacts established under RSA 482 when considering the application submitted.
4. The Department has not received clear and convincing evidence that the proposal submitted by the applicant avoids and minimizes the impacts to areas of jurisdiction as required pursuant to Rule Env-Wt 302.03 and Rule Env-Wt 302.04(a). Therefore the application is denied in accordance with Rule Env-Wt 302.04(d).

2010-03363 NH DEPT OF TRANSPORTATION STEWARTSTOWN Bishop Brook

Requested Action:

Reface wingwalls and abutment with 12 in. of concrete and rebuild retaining wall on the NE corner with precast concrete blocks impacting 522 sq. ft. (466 sq. ft. temporary) of riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. no comment

APPROVE PERMIT:

Reface wingwalls and abutment with 12 in. of concrete and rebuild retaining wall on the NE corner with precast concrete blocks impacting 522 sq. ft. (466 sq. ft. temporary) of riverine wetlands. NHDOT project #99019Z.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 10/2010, as received by the

Department on Dec. 15, 2010.

2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. The impacts associated with the temporary work shall be restored immediately following construction.
17. A plant survey shall be conducted in early June if work will occur during the growing season (May-September) and the permittee shall coordinate activities with the Natural Heritage Bureau.
18. Boulders moved during the installation of cofferdams shall be returned to their original location with the intent of maintaining the natural character of the stream bed.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of stream or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The recommendation made by the NH Fish and Game Dept. is incorporated in the permit conditions.
6. The species identified by the Natural Heritage Bureau does not appear to be located in wetlands jurisdiction and therefore does not constitute a major impact project per rule Env-Wt 303.02(k) although their recommendation is incorporated in the permit conditions.

2011-00427 CITY OF LEBANON DPW
LEBANON Mascoma River

Requested Action:

Dredge and fill 1,025 square feet for the construction of two storm drain outfalls as part of a combined sewer overflow separation project. Work in jurisdiction includes 675 square feet of temporary impacts; 40 square feet of permanent wetland impacts and 310 square feet of permanent impacts to the bank of the Mascoma River.

APPROVE PERMIT:

Dredge and fill 1,025 square feet for the construction of two storm drain outfalls as part of a combined sewer overflow separation project. Work in jurisdiction includes 675 square feet of temporary impacts; 40 square feet of permanent wetland impacts and 310 square feet of permanent impacts to the bank of the Mascoma River.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce entitled City of Lebanon, NH: CSO Separation (Figures 1-3 of 3 and Drawing C-15; C-28A) as received by DES on February 28, 2011.
2. Work shall be done during annual low flow conditions.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
4. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
5. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
13. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Minor Project per Administrative Rule Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant requested an expedited review in a letter dated March 01, 2011 as received by the Department on March 09, 2011.
6. The department granted an expedited review on March 10, 2011 in accordance with Department of Environmental Services Standard Operating Procedure, No. 201-Processing of Permit Applications.
7. The applicant has provided letters of authorization from the owners of City of Lebanon Tax map 92 lot 78 and Tax map 78 lot 21 granting the applicant permission to act on their behalf.
8. The project will separate a portion of the City of Lebanon's combined storm and sanitary sewer system to meet the conditions of a Consent Decree from the US EPA to eliminate all such overflow points by the year 2020.

9. The project engineer stated that the project will not have a measurable impact to the overall watershed area, characteristics or corresponding flow peak rates.
10. The project engineer stated that the project will improve overall water quality in the Mascoma River by eliminating untreated sewerage discharge and establishing a new treated stormwater discharge. Baysaver Water Quality Treatment system will remove floatable oil/debris and suspended solids from stormwater prior to discharge to the Mascoma River.
11. The applicant coordinated with the Watershed Management Bureau.
12. The applicant will maintain the stormwater systems and sweep the streets.
13. The Conservation Commission signed the application.
14. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the NH Natural Heritage Bureau.

MINIMUM IMPACT PROJECT

2009-00187 239 ATLANTIC AVENUE REALTY TRUST, CHARLES DAHER JR
SEABROOK Atlantic Ocean

Requested Action:

Amend permit description by reducing the impact from 2,108 sq. ft. to 2,080 sq. ft. of previously disturbed sand dune vegetation to remove the existing dwelling from site and construct one single-family residential dwelling (instead of two (2)), garage, and pool. Native sand dune vegetation will be replanted around the new dwellings in place of lawn or any other landscape plantings.

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission has "no objections" to this project as proposed.

Inspection Date: 10/31/2008 by Frank D Richardson

APPROVE AMENDMENT:

Amend permit description by reducing the impact from 2,108 sq. ft. to 2,080 sq. ft. of previously disturbed sand dune vegetation to remove the existing dwelling from site and construct one single-family residential dwelling (instead of two (2)), garage, and pool. Native sand dune vegetation will be replanted around the new dwellings in place of lawn or any other landscape plantings.

With Conditions:

1. All work shall be in accordance with the 'Amended Dune Impact Permit Plan' (Sheet 1 of 1) by Millennium Engineering, Inc. dated Feb. 24, 2011, as received by DES on February 25, 2011.
2. "Proposed dune grass" areas shall be regraded to original contours and planted with native sand dune vegetation following completion of work.
3. Only indigenous sand dune vegetation collected on site from the impact areas and/or native American Beach Grass (*Ammophila breviligulata*) shall be used in the areas labeled "proposed dune grass" on the approved plans.
4. NH DES Wetlands Bureau Southeast Region staff and the Seabrook Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Sand dune replication areas shall have at least 75% successful establishment of sand dune vegetation after two (2) growing seasons, or it shall be replanted and re-established until sand dune vegetation is replicated in a manner satisfactory to the DES Wetlands Bureau.
8. Exceptional precautions shall be taken to assure that there is absolutely no impact to the native sand dune vegetation in the area labeled "dune habitat" on the approved plans, immediately to the east of the easterly property line.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Although sand dune vegetation is present in the impact area, this vegetation has developed there over time due to suitable edaphic conditions supporting growth, but it is not a natural sand dune formation.
6. On February 25, 2011, DES received a request to amend the approval issued by DES on 05/19/2009. The amendment request included a reduction of overall impacts, impacts to the dune, and reduction of impervious surface.

2010-00759 BRUST, ROBERT
HENNIKER Unnamed Pond Unnamed Stream

Requested Action:

Retain \pm 4,578 sq. ft. of wetlands impact for pond construction and culvert replacements and restore 386 sq. ft. of wetlands for riprap removal.

Inspection Date: 09/14/2010 by Chris T Brison

APPROVE PERMIT:

Retain \pm 4,578 sq. ft. of wetlands impact for pond construction and culvert replacements and restore 386 sq. ft. of wetlands for riprap removal.

With Conditions:

1. All work shall be in accordance with plans by Aspen Environmental Consultants, LLC dated February 22, 2011, as received by the Department on February 24, 2011.
2. This permit is contingent on removal of 386 square feet of riprap from wetlands and restoration of riprap removal areas in accordance with the above referenced plans.
3. Restoration shall be completed by the end of the 2012 growing season.
4. Work shall be done during low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
10. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
11. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.
12. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining any required follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), construction of a pond with less than 20,000 sq. ft. of wetlands impact and Env-Wt 303.04(x), culvert replacement.
2. Natural Heritage Bureau (NHB) review indicated a negative result for records of occurrence for sensitive species near this project area.
3. The Applicant obtained a NH Certified Wetland Scientist to determine the extent of jurisdictional impacts that occurred as a result of pond construction and the culvert replacements.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2011-00400 LISA BEAUDOIN REVOC TRUST
DOVER Piscataqua River

Requested Action:

Replace in-kind pilings and decking of existing grandfathered 4' x 24' permanent tidal pier on the Piscataqua River.

APPROVE PERMIT:

Replace in-kind pilings and decking of existing grandfathered 4' x 24' permanent tidal pier on the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by MJS Engineering dated 2/15/2011, as received by the NH Department of Environmental Services (DES) on 2/22/2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
4. The repairs shall maintain the size, location and configuration of the pre-existing structures.
5. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work shall be done during low tide.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(_), alteration of ...

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing grand-fathered permanent pier portion of the tidal dock structure is deteriorated and needs to be replaced.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. This is a replacement of pilings and decking in-kind.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the vicinity of the project.
5. The Dover Conservation Commission signed the minimum impact expedited application.

FORESTRY NOTIFICATION

2011-00498 MAILHOT, MARK & RACHEL
NORTH STRATFORD Unnamed Stream

COMPLETE NOTIFICATION:
North Stratford Tax Map R25, Lot# 6

2011-00563 HAMPSTEAD, TOWN OF
HAMPSTEAD Unnamed Stream

COMPLETE NOTIFICATION:
Hampstead Tax Map 39, Lot# 43

2011-00566 SHEA, ELSA
CAMPTON Unnamed Stream

COMPLETE NOTIFICATION:
Campton Tax Map 9, Lot# 2-12, 2-14

2011-00567 NEW ENGLAND FORESTRY FOUNDATION
HARRISVILLE Unnamed Stream

COMPLETE NOTIFICATION:
Harrisville Tax Map 40, Lot# 4 & 5

2011-00568 CHALK POND LLC
WARNER Unnamed Stream

Conservation Commission/Staff Comments:
03/23/11 - Per Martha Thoits, Warner Accessing Office there are plans before the planning board for a subdivision

COMPLETE NOTIFICATION:
Warner Tax Map/Lot# 2/6 & 3/22

2011-00570 WHITE, LINDA
GILMANTON Unnamed Stream

COMPLETE NOTIFICATION:
Gilmanton Tax Map 412, Lot# 22

2011-00573 PERKINS, PIKE
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Tamworth Tax Map 420, Lot# 4

EXPEDITED MINIMUM

2010-02884 PETERSON, ROBERT
NEWTON Country Pond

Requested Action:

Replace an existing 120 linear feet of retaining wall in kind and remove an existing stump, removed concrete stairs built in the waterbody and install 6 foot wide stairs landward, repair an existing 8 ft wide boat ramp, on Country Pond, Newton.

Conservation Commission/Staff Comments:
Con Com submitted comments

APPROVE PERMIT:

Replace an existing 120 linear feet of retaining wall in kind and remove an existing stump, removed concrete stairs built in the waterbody and install 6 foot wide stairs landward, repair an existing 8 ft wide boat ramp, on Country Pond, Newton.

With Conditions:

1. All work shall be in accordance with overview plans by Rob Peterson, as received by the NH Department of Environmental Services (DES) on October 21, 2010, and wall detail plans by Rob Peterson dated March 20, 2011, as received on March 23, 2011.
2. Repair shall maintain existing size, location and configuration with the exception of the stairs.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during drawdown.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining walls in the dry.

2010-03410 DONAHUE, JOE
RYE Atlantic Ocean

Requested Action:

Impact a total of 42 square feet within the previously developed 100-foot tidal buffer zone to install a 3' x 6' concrete pad to support propane tanks which will fuel a generator on a 4' x 6' concrete pad for a single family residential dwelling with approximately 200 linear feet of shoreline frontage on the Atlantic Ocean.

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 42 square feet within the previously developed 100-foot tidal buffer zone to install a 3' x 6' concrete pad to support propane tanks which will fuel a generator on a 4' x 6' concrete pad for a single family residential dwelling with approximately 200 linear feet of shoreline frontage on the Atlantic Ocean.

With Conditions:

1. All work shall be in accordance with plans by James Verra and Associates, Inc. dated 2-14-11, as received by the NH Department of Environmental Services (DES) on February 25, 2011.
2. DES Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. No fill shall be done for lot development.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2011-00431 WHITTAKER, LAUREN/WALTER
CHESTERFIELD Unnamed Stream Unnamed Wetland

Requested Action:

Dredge and fill ± 950 sq. ft. of intermittent stream to install a 36-in. x 20-ft. culvert for driveway access to an existing single family residence.

APPROVE PERMIT:

Dredge and fill ± 950 sq. ft. of intermittent stream to install a 36-in. x 20-ft. culvert for driveway access to an existing single family residence.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated September 21, 2010, as received by the Department on March 01, 2011.
2. Work shall be done during dry conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culverts shall be laid at original grade.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), Installation of a culvert and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. Per Env-Wt 901.03(e), Exemptions, Env-Wt 303.04(z), shall be exempt from Env-Wt 903 and Env-Wt 904.
3. The DES Subsurface Systems Bureau issued construction approval, CA2011103658.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2011-00492 LAMERE, DAVID
SUNAPEE Sunapee Lake

Requested Action:

Repair an existing 12 ft x 16 ft permanent dock supported by a 12 ft x 12 ft crib "in kind" on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Applicaiton

APPROVE PERMIT:

Repair an existing 12 ft x 16 ft permanent dock supported by a 12 ft x 12 ft crib "in kind" on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans, as received by the NH Department of Environmental Services (DES) on March 11, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within

the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-00493 WILSON, BARBARA
SUNAPEE Sunapee Lake

Requested Action:

Repair "in kind" an existing 21 ft 4 in x 10 ft 6 in permanent dock with a 12 ft x 11 ft 2 in lakeward section supported by 12 ft x 11 ft 2 in crib, extending from a 20 ft 6 in x 13 ft 9 in permanent dock at the shore, on an average of 100 ft of frontage, Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair "in kind" an existing 21 ft 4 in x 10 ft 6 in permanent dock with a 12 ft x 11 ft 2 in lakeward section supported by 12 ft x 11 ft 2 in crib, extending from a 20 ft 6 in x 13 ft 9 in permanent dock at the shore, on an average of 100 ft of frontage, Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Richard Green dated March 07, 2011, as received by the NH Department of Environmental Services (DES) on March 11, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

GOLD DREDGE

2011-00532 SOLINSKY, DENNIS
(ALL TOWNS) Unnamed Stream

2011-00533 SOLINSKY, SCOTT
(ALL TOWNS) Unnamed Stream

2011-00535 LAJOIE JR, RICHARD
(ALL TOWNS) Unnamed Stream

2011-00557 SOLINSKY, CHRISTOPHER
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath con com

2011-00558 STAFFORD, BRIAN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con comm

2011-00559 WILSON, STEPHEN
(ALL TOWNS)

Conservation Commission/Staff Comments:
cc Bath con com

2011-00560 WONDOLOWSKI, DAVID
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath con com

2011-00562 GRASSO, TRACY
(ALL TOWNS) Unnamed Stream

2011-00579 BASNAR, REGINALD
(ALL TOWNS) Unnamed Stream

2011-00580 OLSON, ROBERT
(ALL TOWNS) Unnamed Stream

TRAILS NOTIFICATION

2011-00474 DYER, JOHN
CANAAN Unnamed Stream

COMPLETE NOTIFICATION:
Canaan Tax Map 15, Lot# 20

PERMIT BY NOTIFICATION

2011-00537 BROWN, KRISTIN
MOULTONBOROUGH Lees Pond

Requested Action:
Repair existing retaining wall "in kind" in the dry.

Conservation Commission/Staff Comments:
Con Com signed PBN form

PBN IS COMPLETE:
Repair existing retaining wall "in kind" in the dry.

With Findings:
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair existing retaining wall "in kind" in the dry.

2011-00542 LANDING BOAT CLUB
NEWBURY Sunapee Lake

Requested Action:

PBN disqualified, plans do not show all structures on frontage.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN DISQUALIFIED:

PBN disqualified, plans do not show all structures on frontage.

With Findings:

1. Pursuant to Env-Wt 506.03, the plans do not show all structures on frontage.

-Send to Governor and Executive Council-

CSPA PERMIT

2010-02536 OLSON, JOSHUA
FITZWILLIAM Laurel Lake

Requested Action:

Impact 5,991 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures and regrading activities.

APPROVE PERMIT:

Impact 5,991 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures and regrading activities.

With Conditions:

1. All work shall be in accordance with revised plans by Aspen Environmental Consultants, LLC., dated February 2, 2011 and received by the Department of Environmental Services ("DES") on February 10, 2011.
2. No more than 12.76% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
3. Upon completion of the proposed project, the submitted planting plan shall be implemented to ensure that all proposed restoration areas as delineated on plans dated February 7, 2011, are planted and allowed to revert to undisturbed, natural ground cover as defined in RSA 483-B:4, X-b.
4. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
5. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to native vegetation or natural ground cover between 50 feet and 150 feet from the reference line.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

ATF permit issued after a revised proposal was received that met the standards of RSA 483-B.

2010-03217 FULLER, MOLLY
RUMNEY Baker River

Requested Action:

Impact 4,550 sq ft in order redesign and pave an existing parking lot.

APPROVE PERMIT:

Impact 4,550 sq ft in order redesign and pave an existing parking lot.

With Conditions:

1. All work shall be in accordance with plans by Scott Swartz dated June 1, 2010 and received by the NH Department of Environmental Services (DES) on March 14, 2011.
2. No more than 10.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 47,438 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2011-00413 ROWE, MARLIN
ALTON BAY Lake Winnepesaukee

Requested Action:

Impact 216 sq ft of an existing impervious area (paved parking area) for the purpose of expanding an existing primary structure.

APPROVE PERMIT:

Impact 216 sq ft of an existing impervious area (paved parking area) for the purpose of expanding an existing primary structure.

With Conditions:

1. All work shall be in accordance with plans by Marlin Rowe dated February 21, 2011 and received by the NH Department of Environmental Services (DES) on March 11, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no impacts associated with the installation of a septic system or leach field until a separate permit from the NHDES Shoreland Program has been obtained.
4. No more than 38.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 3346 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1517 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2011-00441 KEDERSHA, JAMES
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact 875 sq ft in order to construct a patio, deck and hot tub adjacent to the existing dwelling.

APPROVE PERMIT:

Impact 875 sq ft in order to construct a patio, deck and hot tub adjacent to the existing dwelling.

With Conditions:

1. All work shall be in accordance with plans by Donald S. Wright, LLS dated February 18, 2011 and received by the NH Department of Environmental Services (DES) on March 18, 2011.
2. No more than 16% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 4,899 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00482 SALERNO, JAMES & CARLA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 16,380 sq ft in order to remove a structure and build a new primary structure with garage, driveway, and septic system, and relocate a pavilion 20 ft from reference line.

APPROVE PERMIT:

Impact 16,380 sq ft in order to remove a structure and build a new primary structure with garage, driveway, and septic system, and relocate a pavilion 20 ft from reference line.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated March 16, 2011 and received by the NH Department of Environmental Services (DES) on March 10, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 20% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 6,045 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2011-00483 ENERGY NORTH NATURAL GAS
CONCORD Turkey River

Requested Action:

Impact 1,064 sq ft in order to expand existing low pressure natural gas pipeline.

APPROVE PERMIT:

Impact 1,064 sq ft in order to expand existing low pressure natural gas pipeline.

With Conditions:

1. All work shall be in accordance with plans by BSC Group dated January 21, 2011 and received by the NH Department of Environmental Services (DES) on March 10, 2011.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00495 CREAN, NORMA/PAUL
WOLFEBORO Lake Winnepesaukee

Requested Action:

Impact 5,576 sq ft for the purpose of constructing an access drive and parking area within the protected shoreland.

APPROVE PERMIT:

Impact 5,576 sq ft for the purpose of constructing an access drive and parking area within the protected shoreland.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Assocaites for the Natural Resources dated February 3, 2011 and received by the NH Department of Environmental Services (DES) on March 11, 2011.
2. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 2,363 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2011-00505 SOUTHARD, DOUGLAS
SUTTON Blaisdell Lake

Requested Action:

Impact 72 sq ft in order to replace exterior siding and foundation.

APPROVE PERMIT:

Impact 72 sq ft in order to replace exterior siding and foundation.

With Conditions:

1. All work shall be in accordance with plans by John Lovett dated March 1, 2011 and received by the NH Department of Environmental Services (DES) on March 14, 2011.
2. No more than 6.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 2,145 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2011-00519 PATRTICIA A MACINTYRE REVOCABLE TRUST
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 14,110 sq ft in order to raze existing structure and construct a new structure with pervious a driveway, pathways and patios.

APPROVE PERMIT:

Impact 14,110 sq ft in order to raze existing structure and construct a new structure with pervious a driveway, pathways and patios.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants dated March 1, 2011 and received by the NH Department of Environmental Services (DES) on March 14, 2011.
2. No more than 19.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 817 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00530 CITY OF LEBANON DPW
LEBANON Mascoma River

Requested Action:

Impact 9,355 sq ft in order to replace portion of existing sanitary sewer, install a new storm drain, outfall and repave existing road.

APPROVE PERMIT:

Impact 9,355 sq ft in order to replace portion of existing sanitary sewer, install a new storm drain, outfall and repave existing road.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce dated February 1, 2011 and received by the NH Department of Environmental Services (DES) on March 16, 2011.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. Area shall be regraded to original contours following completion of work.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/WAIVER

2010-01733 SAWYER, JAMES
GILFORD Lake Winnepesaukee

Requested Action:

Impact 1,578 sq ft to remove a residential structure, expand one of two remaining residential structures, construct a shed and two bio-retention areas.

APPROVE AMENDMENT:

Amend shoreland impact permit to adjust footprint of proposed deck and garage.

WAIVER APPROVED: RSA 483-B:9, II, (b) is waived to impact 1,578 sq ft to remove a residential structure, expand one of two remaining residential structures, construct a shed and two bio-retention areas.

With Conditions:

1. All work shall be in accordance with revised plans by Pollock Land Planning, LLC, and received by the NH Department of Environmental Services (DES) on March 3, 2011.
2. This approval includes a waiver of RSA 483-B:9, II, (b) and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 24.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The bio-retention areas shall be completed, including plantings, within one year of the initiation of construction.
5. The plantings in the waterfront buffer shall be completed within one year of the initiation of construction
6. The vegetation planted within both the bio-retention areas and the waterfront buffer shall be monitored, and if necessary, replaced, to ensure 100% survival rate for a period two years following construction.
7. The vegetation planted within the bio-retention areas shall not be removed without the written approval of DES.
8. The project as proposed shall not impact any area currently in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2010-01920 BERUBE, RALPH
DERRY Beaver Lake

Requested Action:

Impact 630 sq ft for the purpose of constructing a new garage.

APPROVE PERMIT:

Impact 630 sq ft for the purpose of constructing a new garage.

With Conditions:

1. All work shall be in accordance with revised plans submitted by Ralph Berube and received by the Department of Environmental Services ("DES") on March 14, 2011.
2. No more than 45.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
3. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
4. No impacts to natural ground cover shall occur within the waterfront buffer.
5. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
6. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to existing native vegetation or natural ground cover between 50 ft and 150 ft of the reference line.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.
16. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-02328 BELIVEAU, MARCEL
MANCHESTER Merrimack River

Requested Action:

Impact 1,682 sq ft for the purpose of expanding a nonconforming primary structure.

APPROVE AMENDMENT:

APPROVE AMENDMENT: Amend shoreland impact permit to adjust location of proposed garage footprint and drywell.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived impact 1,682 sq ft for the purpose of expanding a nonconforming primary structure.

With Conditions:

1. All work shall be in accordance with revised plans by Joseph M. Wichert, dated January 17, 2011 and received by the Department of Environmental Services ("DES") on January 31, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and RSA 483-B:9, V(g)(1), and therefore, shall not be effective until it

has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.

3. No more than 42.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. The proposed stormwater management plan shall be designed, installed and maintained to effectively collect, retain, and infiltrate stormwater.
5. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to the Merrimack River and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to the Merrimack River and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
4. The applicant has proposed to decrease the area of impervious surface within the protected shoreland by approximately 17 sq ft.
5. The applicant has proposed to convert the existing and proposed driveway areas to a pervious technology.
6. The applicant has proposed to install stormwater controls consisting of a 3 ft x 3ft stone dry well capable of infiltrating roof runoff.
7. The applicant has proposed to install stormwater controls consisting of a 500 gallon pre-cast dry well that will intercept roof runoff.
8. The applicant has proposed to install significant stormwater measures and has proposed a slight reduction in total impervious surface coverage within the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-02616 **IENI, DAVID**
DURHAM Little Bay

Requested Action:

Impact 1,836 sq ft in order construct a 24ft x 28ft garage and a 12ft x 39ft deck.

APPROVE PERMIT:

Impact 1,836 sq ft in order construct a 24ft x 28ft garage and a 12ft x 39ft deck.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. (new structures located by Ray B. Holmes) dated October 12, 2010 and received by the NH Department of Environmental Services (DES) on September 24, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 19.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 2,039 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-03422 **FUHS, SANDY**
ATKINSON Island Pond

Requested Action:

Impact 9,838 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system and stormwater controls.

APPROVE AMENDMENT:

PERMIT AMENDMENT: Amend Shoreland Impact Permit to shift proposed primary structure footprint to the north 7.5 ft.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to impact 9,838 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system and stormwater controls.

With Conditions:

1. All work shall be in accordance with revised plans by James M. Lavelle Associates dated March 8, 2011 and received by the Department of Environmental Services ("DES") on March 16, 2011 and additional materials received by the Department on March 1, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 24.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
5. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
6. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. No impacts to natural ground cover shall occur within the waterfront buffer.
8. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
9. Upon completion of the proposed project, the submitted planting plan shall be implemented to ensure that all proposed plantings

achieve a 100% success rate.

10. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to the 420 sq ft of unaltered area as delineated on plans received by DES between 50 feet and 150 feet from the reference line.

11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

12. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

13. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

14. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

15. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

16. Any fill used shall be clean sand, gravel, rock, or other suitable material.

17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

19. Silt fencing must be removed once the area is stabilized.

20. Upon completion of the proposed project, the exiting septic system shall pose no threat to adjacent surface waters.

With Findings:

1. The existing non-conforming primary structure is located within the 50 ft primary building setback to Big Island Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The applicant has proposed to decrease the impervious area of the lot within the protected shoreland by approximately 757 sq ft.

4. The applicant has proposed to install stormwater controls consisting of multiple dry wells that will be capable of infiltrating stormwater from the existing and proposed structures.

5. The applicant has proposed to reduce location, size and grade of the existing driveway in a way that will be less apt to concentrate stormwater.

6. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.

7. The applicant has proposed to install stormwater controls, install a new septic system, and reduce the total amount of impervious coverage within the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2011-00057

MORSE, FRANK

WINDHAM Cobbett's Pond

Requested Action:

Impact 3,000 sq ft for the purpose of expanding a nonconforming primary structure, expanding an existing garage and installing stormwater controls.

APPROVE PERMIT:

Impact 3,000 sq ft for the purpose of expanding a nonconforming primary structure, expanding an existing garage and installing stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc., dated November 1, 2010, and received by the Department of Environmental Services ("DES") on January 5, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 30.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
6. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. No impacts to natural ground cover shall occur within the waterfront buffer.
8. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
9. Upon completion of the proposed project, the submitted planting plan shall be implemented to ensure that each previously existing deficient grid segment will have at least the minimum score as defined within RSA 483-B:9, V(a)(2)(D) and required by RSA 483-B:9, V, (g), (3).
10. The vegetation planted waterfront buffer shall be monitored, and if necessary, replaced, to ensure 100% survival rate for a period two years following construction.
11. Upon completion of the proposed project, the submitted planting plan shall be implemented to ensure that all proposed plantings achieve a 100% success rate.
12. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to the 2,310 sq ft of native vegetation and natural ground cover located between 50 feet and 150 feet from the reference line.
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
14. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
15. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
16. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
17. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
18. Any fill used shall be clean sand, gravel, rock, or other suitable material.
19. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Cobbetts Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of a dry well.
4. The applicant has proposed to regrade the site in a way that will better direct stormwater to the dry well.
5. The applicant has proposed to install stormwater controls, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2011-00406 TWELVE CATAMOUNT LLC
PITTSFIELD Suncook River

Requested Action:

Impact 5,570 sq ft for the purpose of redeveloping a commercial lot within the protected shoreland.

APPROVE PERMIT:

Impact 5,570 sq ft for the purpose of redeveloping a commercial lot within the protected shoreland.

WAIVER APPROVED: RSA 483-B:9, V(g)(1) is waived to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with plans by Sandford Surveying and Engineering, LLC, dated January 25, 2011 and received by the Department of Environmental Services ("DES") on February 23, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 65.2% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to the Suncook River and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the impervious area within the protected shoreland by 703 sq ft.
4. The applicant has proposed to achieve a greater setback with the new primary structure.
5. The applicant has proposed to reduce impervious area and achieve a greater setback from public waters, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2011-00479 SALAMONE, SALVATORE
HILLSBOROUGH Contention Pond

Requested Action:

Impact 144 sq ft for the purpose of expanding a nonconforming primary structure.

APPROVE PERMIT:

Impact 144 sq ft for the purpose of expanding a nonconforming primary structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by McCourt Engineering associates, PLLC, dated February, 2011 and received by the Department of Environmental Services ("DES") on March 9, 2011. 2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 15.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and divert stormwater so this it is able to be infiltrated.
6. No impacts to natural ground cover shall occur within the waterfront buffer.
7. The proposed plantings within the waterfront buffer shall be monitored, and if necessary, replaced, to ensure 100% survival rate for a period two years following construction.
8. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
9. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to native vegetation or natural ground cover between 50 feet and 150 feet from the reference line.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
13. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
14. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Contention Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of a diversion bar that directs stormwater to a vegetated depression area.

4. The applicant has installed a new NH DES Subsurface Bureau approved wastewater treatment system.
5. The applicant has proposed to install stormwater controls and install a new septic system, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

UTILITY NOTIFICATION

2011-00585 PSNH
BENNINGTON Unnamed Wetland

Conservation Commission/Staff Comments:
See file 11-15 for fee amount

2011-00586 PSNH
CENTER HARBOR Unnamed Wetland

Conservation Commission/Staff Comments:
See file 11-15 for amount

2011-00587 PSNH
CHICHESTER Unnamed Stream

Conservation Commission/Staff Comments:
See file 11-15 for fee amount

2011-00588 PSNH
COLUMBIA Unnamed Stream

Conservation Commission/Staff Comments:
See file 11-15 for fee amount

2011-00589 PSNH
COLEBROOK Unnamed Stream

Conservation Commission/Staff Comments:
See file for fee amount

2011-00590 PSNH
EPPING Unnamed Stream Unnammed Wetland

Conservation Commission/Staff Comments:
See file 11-15 for fee amount

2011-00591 PSNH
GILFORD Unnamed Stream Unnamed Wetlands

Conservation Commission/Staff Comments:
See file 11-15 for fee amount

2011-00592 PSNH
HANCOCK Unnamed Stream Unnamed Wetland

Conservation Commission/Staff Comments:
See file 11-15 for fee amount

2011-00593 PSNH
HENNIKER Unnamed Stream Unnamed Wetland

Conservation Commission/Staff Comments:
See file 11-15 for fee amount